

**HEARING AID DISPENSERS BUREAU**

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Guidelines for Hearing Aid Receipts

This fact sheet results from a study of California hearing aid dispenser receipt forms. Dispensers are urged to use the following suggestions and checklist of legal requirements for receipts and warranties when printing their business documents to ensure compliance with the law. The Hearing Aid Dispensers Bureau hopes that this information will increase compliance with the law and reduce receipt-related complaints, thus improving service to California's consumers.

Reminders and Suggestions

1. Note that these legal requirements apply to receipts issued "upon the consummation of a sale of a hearing aid." Whether you call your document a purchase agreement, hearing aid order, contract, or receipt, the legal requirements apply.
2. Requirements of Section 3365 apply to all hearing aid sales receipts provided at the consummation of a sale. Dispensers must meet all provisions of Section 3365 on one document. We suggest a two-section form (purchase agreement and delivery receipt) on one page. Utilize the top portion of the page as a purchase agreement form and make a separate delivery receipt section (list the serial number here) at the bottom of the page. Complete the purchase agreement when the hearing aid is ordered. Give the client a signed and dated copy and file the remaining copies. At the time of delivery complete the delivery receipt section, and give the client another signed and dated copy. Retain the third copy, with both portions completed, in your records.
3. In 1988, authority for licensing of hearing aid dispensers passed from the Board of Medical Quality Assurance (BMQA), now known as the Medical Board of California (MBC) to HADEC. Dispensers must not provide receipts indicating licensure by BMQA or the Medical Board, since this is incorrect. To avoid allegations of misrepresentation, statements regarding licensure should be revised to indicate licensure by the Hearing Aid Dispensers Examining Committee or the Hearing Aid Dispensers Bureau.
4. In reviewing your receipt document, make sure that every required item on the checklist is included.
5. You may wish to include two lines for dispenser signature and license number since receipts negotiated by trainee licensees must be countersigned by the supervising dispenser.
6. The Hearing Aid Dispensers Bureau licenses hearing aid "dispensers." Some licensees use other terms such as specialist or consultant that may be misleading or confusing to the consumer. To avoid allegations of misleading or deceptive advertising, use the licensed title, "dispenser," on all receipts.

Song-Beverly Consumer Warranty

1. Business and Professions Code section 3365 (f) and Civil Code section 1793.02 refer to the Song-Beverly Consumer Warranty and require specific language on the receipt. It is illegal to alter this language in any way. Section 1793.02 requires that this language is placed on the **first page** of the document, therefore it is not acceptable to attach it or print it on the back of the form. To avoid misunderstanding, it should be printed as a separate paragraph without any additional language attached.
2. **The law requires that the Song-Beverly warranty statement be printed in at least 10-point bold type. This paragraph is an example of that type.**

Checklist

Use the following checklist to determine if your receipt document is in compliance with the law. As you review your receipt, check off each item that is included on your receipt. Any items not checked during your review must be added to the receipt in order to bring it into compliance with the law.

Dispensers who include a warranty statement on the receipt document must also comply with Federal Trade Commission regulations regarding written warranty terms. These regulations are included at the end of the checklist.

Hearing Aid Dispensers License Law Section 3365: Written Receipts

A licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:

- [] (a) The date of consummation of the sale.
- [] (b) Specifications as to the make, serial number, and model number of the hearing aid or aids sold.
- [] (c) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid or aids sold.
- [] (d) A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact.
- [] (e) The number of the licensee's license and the name and license number of any other hearing aid dispenser or temporary licensee who provided any recommendation or consultation regarding the purchase of the hearing aid.
- [] (f) The terms of any guarantee or written warranty, required by section 1793.02 of the Civil Code, made to the purchaser with respect to the hearing aid or hearing aids. [Note: This refers to the Song-Beverly Act.]

Song-Beverly Consumer Warranty Act

Section 1793.02

- [] (a) All new and used assistive devices sold at retail in this state shall be accompanied by the retail seller's written warranty which shall contain the following language:

"This assistive device is warranted to be specifically fit for the particular needs of you, the buyer. If the device is not specifically fit for your particular needs, it may be returned to the seller within 30 days of the date of actual receipt by you or completion of fitting by the seller, whichever occurs later. If you return the device, the seller will either adjust or replace the device or promptly refund the total amount paid. This warranty does not affect the protections and remedies you have under other laws."

In lieu of the words "30 days" the retail seller may specify any longer period.

- [] (b) The language prescribed in subdivision (a) shall appear on the first page of the warranty in at least 10-point bold type. The warranty shall be delivered to the buyer at the time of the sale of the device.

Federal Trade Commission Disclosure Regulations

701.3: Written Warranty Terms

(Summarized) The warranty also must conform to existing federal warranty information disclosure regulations requiring that warranties on consumer products must contain:

- [] The warrantor's name and mailing address.
- [] Who is protected by the warranty, including any limitations.
- [] Precisely what parts, components, or characteristics or properties the warranty covers and what it excludes.
- [] What items or services the warrantor will pay for, and those, if any, for which the buyer must pay.
- [] When the warranty term begins (if other than the date of purchase).
- [] The warranty's duration.
- [] Whom to contact to obtain warranty service (including names, addresses, and telephone numbers).
- [] Step-by-step instructions to follow to obtain service.
- [] Any expenses the buyer may be required to pay.